PLAINTIFFS' [PROPOSED] ORDER REGARDING PLAINTIFFS' OBJECTIONS TO SPECIAL MASTER'S REPORT AND ORDERS ON REFERRED DISCOVERY DISPUTES (DKT. 299)

Redacted Version of Document Sought to be Sealed

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHASOM BROWN, WILLIAM BYATT, JEREMY DAVIS, CHRISTOPHER CASTILLO, and MONIQUE TRUJILLO individually and on behalf of all other similarly situated,
 	
    Plaintiffs,
 	
  vs.
 	
  GOOGLE LLC,
 	
    Defendant.
	Case No.: 5:20-cv-03664-LHK-SVK
	
	PLAINTIFFS' [PROPOSED] ORDER REGARDING PLAINTIFFS' OBJECTIONS TO SPECIAL MASTER'S REPORT AND ORDERS ON REFERRED DISCOVERY DISPUTES (DKT. 299)
	
	The Honorable Susan van Keulen
	Date: November 4, 2021
	Time: 10:00 a.m.
	Courtroom 6 - 4th Floor

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1   Before the Court is the Special Master's Report and Orders on Referred Discovery Issues

2   (Dkt. 299) ("Special Master's Report"), as well as the parties' separately filed objections to the

3   Special Master's Report, each filed on October 27, 2021. Having considered the Special Master's

4   Report, and the parties' objections thereto, the Court **ADOPTS** the following aspects of Plaintiffs'

5   Objections.

6   **P3 Dispute**

7   Step 1 of the Court's September 16 Order

8   1.   Google shall supplement its response to Step 1 of the Court's September 16 Order (Dkt.

9   273), which required Google to identify "all databases and data logs (collectively, 'data

10   sources') that may contain responsive information." This supplement should identify

11   all data sources, whether classified by Google as "authenticated" or "unauthenticated,"

12   that would include any information collected from any private browsing activities.

13   Google, for example, may not exclude what it classifies as data sources containing only

14   "authenticated" data, nor any data sources related to Search.

15   Rule 30(b)(6) Deposition

16   2.   Within two weeks of this Order, Google shall produce for testimony an adequately

17   prepared and knowledgeable witness or witnesses designated for Topics 1 through 6 of

18   Plaintiffs' April 27, 2021, Rule 30(b)(6) Deposition Notice. The testimony shall not

19   be limited to Google Analytics and Google Ad Manager; the witness or witnesses shall

20   be prepared to testify about all aspects of Google's logs, databases, storage systems,

21   and data structures containing Plaintiffs' and Class Members' data. The witness or

22   witnesses shall also be prepared to testify about the search tool shown in GOOG-

23   BRWN-00028920. The witness or witnesses shall also be prepared to testify about

24   Topic 5 (Google's preservation of the logs, databases, storage systems, and data

25   structures containing Plaintiffs' and Class Members' data). This deposition shall not

26   count against Plaintiffs' 20-deposition limit. The deposition shall take place before
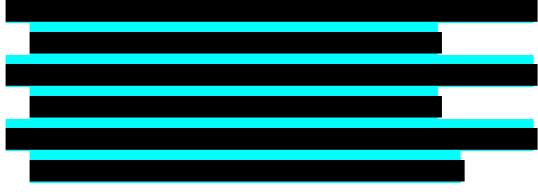
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1   Plaintiffs are required to propose search criteria for the "iterative" searches that the

2   Special Master's Report requires Google to run.

3   Cleanroom Access to Internal Google Data Querying Tools

4   3.   Within two weeks of this Order, Google shall permit Plaintiffs' attorneys and experts

5   five full days of onsite access to a cleanroom in which Plaintiffs' attorneys and experts

6   will be permitted to access and use the "list of [Google data querying] tools" described

7   in the P3 portion of Exhibit A to the Special Master's Report.

8   4.   Google will make these tools available at a location of Google's choosing. Google and

9   the Special Master may supervise Plaintiffs' attorneys and experts' access to and use

10   of these tools. This access will be provided before Plaintiffs are required to propose

11   search criteria for the "iterative" searches that the Special Master's Report requires

12   Google to run.

13   5.   Consistent with the Special Master's Report, within one week of this Order, Google

14   will provide Plaintiffs' attorneys and experts with documents sufficient to guide their

15   use of the tools, including "full schemas" and a list of "all fields with their descriptions"

16   for each data source, as well as "instruction sets and manuals for all tools." Special

17   Master's Report, Ex. A.

18   Source Code

19   6.   Within two weeks of this Order, Google shall produce to Plaintiffs all nonpublic source

20   code associated with the following Google tools and processes, as well as any similar

21   processes or tools:

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1 ███████████████

2 • ████████████ (the portion of the code showing how these identifiers

3   are derived)

4 • Incognito, Analytics, and Ad Manager (the portion of the code relating to

5   Google's collection of private browsing data, and the transmission of that data

6   to Google).

7 **P6 and P16 Disputes**

8 7. Within one week of this Order, Google shall produce a random sample of 1,000

9   complete records from the ████████████ that contain a Chrome user agent (i.e.,

10   from a Chrome browser) but no X-Client-Data header.

11 8. Within one week of this Order, Google shall produce a random sample of 100 complete

12   records from each of the ██ data sources for which there is a field identifying the

13   absence of a ██████.

14 9. Within three weeks of this Order, the parties shall provide an update to the Court

15   regarding these productions and their proposed next steps, including the extent to which

16   Plaintiffs seek any relief based on the timing and completeness of Google's

17   productions, including relief in connection with class certification.

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19 **IT IS SO ORDERED.**

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21 DATED: _____   _____

22   Honorable Susan van Keulen
                                      United States Magistrate Judge
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